

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(Philadelphia)

IN RE:

Debbie Edwards
Debtor

CHAPTER 13

CASE NO.: 19-16421-jkf

HEARING DATE: July 8, 2020

TIME: 9:30 A.M.

Philadelphia Telephonic Hearing

MOTION OF INTERSTATE TD INVESTMENTS LLC, FOR RELIEF FROM THE AUTOMATIC STAY PROVISIONS OF 11 U.S.C. § 362(A) TO PERMIT MOVANT TO COMMENCE OR CONTINUE FORECLOSURE PROCEEDINGS ON 2824 WALNUT HILL STREET, PHILADELPHIA, PA 19152

AND NOW COMES, INTERSTATE TD INVESTMENTS LLC (“Movant”), by and through its attorneys, Hill Wallack LLP, and respectfully represents as follows:

1. This Motion (the “Motion”) is filed by Movant for relief from the automatic stay provisions of 11 U.S.C. §362(a) to permit Movant to continue its foreclosure on real property located at 2824 Walnut Hill Street, Philadelphia, PA 19152 (the “Mortgaged Premises”).

2. On or about August 30, 2001, Debbie Edwards (“Debtor”) executed and delivered to AMERICAN GENERAL FINANCE, INC. a Secondary Mortgage Note (“Note”) in the principal amount of \$9,384.36. The Note matured on September 5, 2008. A true and correct copy of the Promissory Note is attached hereto and made a part hereof as Exhibit “A.”

3. To secure the obligations under the Promissory Note, Debtor granted AMERICAN GENERAL FINANCE, INC. a valid, enforceable, and recorded lien and mortgage (the “Mortgage”) on the Mortgaged Premises, all of the terms of which are incorporated herein by reference as if fully set forth at length, which Mortgage was thereafter recorded in the Philadelphia County Recorder of Deeds Office on September 6, 2001 as Doc Id# 50320500. A true and correct copy of the Mortgage is attached hereto and made a part hereof as Exhibit “B.”

4. Movant is the current mortgagee by virtue of an Assignment of Mortgage. A true and correct copy of the full Assignment of Mortgage Chain is attached hereto and made apart hereof as Exhibit "C."

5. On October 11, 2019, Debtor filed petition for relief under Chapter 13 of the United States Bankruptcy Code.

6. The Debtor in her Schedules filed October 11, 2019 states that the current value of the Mortgaged Premises is \$168,043.00 (Market Value \$168,943.00 minus 10% cost of sale = \$152,048.70).

7. Proof of Claim was filed on December 13, 2019 as Claim #11-1. The Proof of Claim is in the amount of \$22,209.66 with pre-petition arrears due in the amount of \$22,209.66 together with additional legal fees and costs and taxes due and payable on the Mortgaged Premises.

8. The Debtor is currently contractually due for the September 18, 2007 payment. The monthly payment amount was \$208.33.

9. On or about October 11, 2019, Debtor filed the Chapter 13 Plan ("Plan").

10. Movant objected to Confirmation of the Plan on November 6, 2019 because the Plan as proposed does not provide for Movant's full claim.

11. The Confirmation Hearing is currently scheduled for June 10, 2020 at 9:30 a.m.

12. The Chapter 13 Trustee filed a Motion to Dismiss the Case on February 25, 2020, the hearing is currently scheduled for June 10, 2020 at 9:30 a.m.

13. The Debtor has not made any post- petition payments to Movant.

14. Consequently, Movant is entitled to relief from the automatic stay pursuant to 11 U.S.C. § 362(d) (1) as the Note matured and Debtor has failed to make post petition payments toward the outstanding balance.

WHEREFORE, INTERSTATE TD INVESTMENTS LLC respectfully requests that this Court enter an Order granting relief from the automatic stay provisions of 11 U.S.C. § 362(a) to allow Movant to proceed in its foreclosure of the Mortgaged Premises, to name the Debtor in the foreclosure suit solely for the purpose of foreclosing their interests in the Mortgaged Premises, and to allow Movant, or any other purchaser at the Sheriff's Sale, to take any legal action necessary to gain possession of the Mortgaged Premises.

Respectfully submitted,

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